



## Paddock Wood Town Council – Comments on Stage 1 Hearings

### Strategic Sites Working Group (SSWG) & Masterplanning Exercise

The first SSWG Meeting was held on the 18<sup>th</sup> of July 2019. No record of the meeting was released for the public or provided to the Town Council. If the draft Local Plan was ready to go out for Regulation 18 Consultation on September/November 2019 how can TWBC argue that the SSWG meetings contributed in any way to DtC as the proposed development sites were already identified and proposed for allocation by that point in time? The Town Council feels that in view of this the SSWG cannot be viewed as contributing to a primary stage of DtC, although they can be seen as part of a dialogue. There is however no paper trail provided to demonstrate actual evidence of a transparent DtC process prior to the Autumn of 2019.

Regarding the minutes for the Strategic Sites Working Group (SSWG) the Town Council does publish the summaries on its website please see the link here: <https://paddockwood-tc.gov.uk/documents/strategic-sites-working-group-meetings/>. The summary notes were provided by TWBC, and came out a long while after the meeting and in the view of the Town Council often failed to match the notes taken by attendees at the meetings. Full minutes when they came, usually just before a next meeting, were confidential and the Town Council were only permitted to share the summaries with residents.

For example:

- The first SSWG Meeting was held on 18<sup>th</sup> July 2019: No record of meeting released for the public.
- 4<sup>th</sup> September 2019 Meeting: Minutes were received by the Chairman of PWTC on 20<sup>th</sup> May 2020. Given that the Draft Local Plan was now publicly available (attached to reports to Planning and Transportation Cabinet Advisory Board, and Cabinet) there were questions raised, clarification sought, and discussions held regarding different aspects of the policies in the Draft Local Plan. TWBC explained that it had given significant consideration to different approaches to procuring masterplanning work, had taken advice from external organisations, and had made a clear decision that TWBC would lead on the commissioning of the team/consultancies for overall infrastructure masterplan and relevant frameworks/masterplans for land at east Capel and Paddock Wood.
- 2<sup>nd</sup> October 2019: Meeting cancelled
- 4<sup>th</sup> November 2019: Meeting cancelled
- 4<sup>th</sup> December 2019: TWBC confirmed September minutes had not yet been produced or finalised. Minutes of the December meeting were received by the Chairman of PWTC on 20<sup>th</sup> May 2020
- 5<sup>th</sup> February 2020: Minutes and summary received by the Chairman of PWTC on 20<sup>th</sup> May 2020
- 4<sup>th</sup> March 2020: minutes and summary received by the Chairman of PWTC on 20<sup>th</sup> May 2020

**Therefore, the Town Council was not able to share any information about the strategic sites meetings until after 20<sup>th</sup> May 2020. This is particularly important as the minutes of the early meetings only provide an overview of the issues discussed rather than an accurate record of the meetings.**

Maidstone Borough Council does not even appear in the SSWG minutes, but the Town Council raised at one of the meetings that a site was proposed in the MBC plan at Beltring with employment land and approximately 775 dwellings. TWBC Officers were completely unaware of this proposal and the possible impact on Paddock Wood, which is the nearest centre for services including local schools, shops, train station and all other services. The MBC representative was not at this meeting so could not answer the questions raised.

The cross-boundary concerns of Tonbridge and Malling Borough Council are well documented in the local press at the time:

<https://www.kentonline.co.uk/tonbridge/news/council-blasts-plans-for-thousands-of-new-homes-214496/>

<https://www.kentonline.co.uk/malling/news/garden-village-is-cause-for-worry-211676/>

<https://www.kentonline.co.uk/tunbridge-wells/news/fury-at-plan-for-6-800-new-homes-205489/>

The SSWG Meetings appeared, to the Town Council, to be a 'tick box exercise' as it appeared that many decisions had been taken before the meeting without the opportunity for discussion of key issues.

The Town Council was involved in one masterplanning event for the strategic sites. This included Capel & Paddock Wood Councils and was carefully planned by TWBC with pre planned questions covering specific issues only. If discussion moved off planned topics, it was soon brought back on track so there was no chance to ask probing questions or introduce contentious issues.

To summarise, the Town Council's experience of the SSWG meetings, the masterplanning exercise and overall approach from TWBC is quite different from that described by TWBC at the hearings. As explained above, the SSWG and masterplanning exercise have never felt like genuine cooperation or a transparent process to the Town Council and instead were 'tick box' exercises to attempt to demonstrate on paper that TWBC has been cooperating and engaging. The outcome of this has been a Local Plan that has not bottomed out the most critical issues of addressing key environmental issues and infrastructure delivery for its most significant location of growth.

And in any case, all these events took place after the sites had been proposed for allocation and therefore any TWBC activities cannot be viewed as having influenced the location or planning for development through a strategic cross boundary approach.

### **Monitoring Report (Duty to Cooperate)**

We note the Inspector's questioning regarding the lack of a further layer of detail in terms of meetings and agendas published to support its Duty to Cooperate Statement which we entirely support. We consider that the full agendas and minutes for all the Duty to Cooperate meetings should be published and it is clear that they should have been published throughout the preparation of the Local Plan since commencement. This is to provide communities and other stakeholders with a transparent picture of how they have collaborated. As we set out in our Regulation 19 representations and Stage 1 Hearing Statement, the Council is required to do this as part of its Annual Monitoring Report see Town and Country Planning (Local Planning) (England) Regulations 20125 which states that: "(6) Where a local planning authority have cooperated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report." The only TWBC Authority Monitoring Report (AMR) available on TWBC's website is the 2019-2020 Authority Monitoring Report so it is impossible to determine what Duty to Cooperate monitoring was or was not published in early Monitoring Reports. The 2019-2020 AMR does not detail actions TWBC has taken in relation to the Duty to Cooperate.

### **Flood Risk and Wastewater Infrastructure Issues at Paddock Wood**

The Town Council has made detailed representations at each stage of the Local Plan and Examination process regarding the severe flood risk and wastewater issues currently present at Paddock Wood, and upon their valid concerns regarding the potentially catastrophic impact of improperly planned intensive development in an area that has an already overloaded foul and surface water drainage network. We recently provided comments on the Stage 2 MIQs to this effect providing further photographic evidence of the extent of foul water flooding in the town.

The Town Council cannot see what has been agreed through cooperation in terms of addressing existing flood risk and sewerage infrastructure issues let alone how the proposed introduction of thousands of additional homes in this flood prone area will be managed through the Local Plan - where is the evidence of cross boundary engagement with adjacent authorities in relation to flooding and wastewater infrastructure? The Town Council believes that this evidence has not been provided for the examination and hearings. It appears that their main policy mechanism is to put off all of the difficult issues to a much later date. It is totally unacceptable to the Town Council for these serious strategic planning issues to be deferred to be dealt with at a later date by SPDs which will not be independently examined.

Given the clear importance of this issue for the Borough and the Council's preferred spatial strategy of locating the highest level of strategic growth in an area of known for its high flood risk, TWBC should have prepared a sound evidence base to support its proposals. Instead, as set out in the Town Council's previous detailed submissions on the inadequacies

of TWBC's SFRA, they failed to undertake a Sequential Test and Exceptions test in relation to flood risk as required by the NPPF. Furthermore, the Town Council feels that TWBC should have also undertaken testing for meeting OAN for housing outside the areas of flood risk in the same way as they sought alternatives to Green Belt and AONB. Although from the hearings it appears this has not been undertaken by the Council.

It appeared from the hearings that there are clear deficiencies in TWBC's Sustainability Appraisal overall and particularly in terms of how alternatives to large scale development at Paddock Wood were assessed. We heard from Officers that the Sustainability Appraisal and its use as a key decision-making tool used to assess the potential growth at Paddock Wood (and Capel) in relation to its 'Water' Strategic Objective.

The Strategic Objectives of the Sustainability Appraisal lacks detail so it is impossible to determine whether they are in fact met. The SA explains this (see CD 3.130a paragraph 5.2.1) saying the objectives are "strategic and in their nature not detailed" and that "there are several objectives that have a high number of mixed or uncertain scores. Most of this uncertainty in scoring was created by the lack of detail inherent within strategic objectives" (paragraph 5.3.7). At the hearings Officers explained, as we understood it, that the key determining factor for selecting the preferred strategic growth option ('Urban Extension Development Scale' is the phrase used in the SA) for Paddock Wood and east Capel was based on the SA's assessment of 'five scales of development' that had been identified. It is unclear how these options were identified apart from that all options include existing allocations for sites identified in the 2015 SALP and that the options had been decreased by 500 dwellings since the Draft Local Plan stage to reflect the findings of the masterplanning process which 'is now underway'. A summary of the options is provided in the SA (Paragraphs 6.2.39 - 6.2.43):

- Option 1: 1,500 dwellings (plus 1,000 dwellings from the SALP) without any land take in the Green Belt. Growth limited by the borough boundary and extensive areas of flood zone 3.
- Option 2: Development of approximately 3,500 (plus the 1,000 dwellings from the existing SALP sites) dwellings following the same pattern as Option 1 with an additional extension of development westwards into the Capel parish Green Belt and allowing for flood relief work to the town.
- Option 3 was for approximately 2,500 dwellings (plus the 1,000 dwellings from the existing SALP sites) following the same pattern as Option 1 but extending southwards instead of westwards into land that is not ruled out by constraints such as AONB, Green Belt, flood risk and ancient woodland.
- Option 4 was for approximately 4,500 dwellings (plus the 1,000 dwellings from the existing SALP sites) following the same pattern as Option 1 but extending both westwards and southwards more than doubling the size of Paddock Wood.
- Option 5 was for approximately 2,500 dwellings (plus the 1,000 dwellings from the existing SALP sites) following the same pattern as Option 1 but extending eastwards instead of westwards into land that is not ruled out by constraints such as AONB, Green Belt, flood risk and ancient woodland.

We could go into extensive detail about the inadequacy of information about each of these options (and how they were arrived at), their inadequate assessment and Figure 7 of the SA which provides extremely simplistic and crude illustrations of these options, however we use the 'Water' Strategic Objective to highlight the flawed approach taken by the Council.

Table 29 of the SA (see extract below) provides the only assessment of the Options against the Strategic Objectives. In respect of the 'Water' Strategic Objective the Council assesses as follows: *"A mixed water scores is applied equally across the options as all would represent a substantial demand for water and wastewater treatment, and all would provide significant benefits to Paddock Wood and Capel the form of reductions in existing flood risk"*.

Water	?	++ /?	?	++ /?	?	A mixed water scores is applied equally across the options as all would represent a substantial demand for water and wastewater treatment, and all would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. The benefits could be slightly greater in options 2 and 4 where development is directed to the areas of flood zone 2 and 3 west of Paddock Wood (in east Capel). An improvement to flooding issues for existing residents is one of the key justifications for the proposed release of this Green Belt land on the west side of the settlement.
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Extract from CD 3.130a (Table 29) SA scores for the four urban extension growth options at Paddock Wood including land in east Capel.

It defies logic that all options tested ranging from 2,500-5,500 dwellings (no mention of employment we note) would provide significant benefits to Paddock Wood and Capel in the form of reductions in existing flood risk. This could only be demonstrated if the Council's evidence contained detailed, costed, coherent proposals both for mitigation of flood risk and for reduction of existing flood risk which they do not. We are told in the assessment that there are even potentially greater benefits of directing development to areas of Flood Zones 2 and 3 west of Paddock Wood (in east Capel) TWBC considers the benefits of putting development in the areas of highest flood risk to be so great for existing residents that they explain it is one of the key justifications for the release of Green Belt land to the west of the settlement. The Town Council is perplexed by this assessment - surely prioritising more growth in areas of high flood risk is not going to make the existing and future situation better as the Council claims. The SA does not even grapple with the potential (and logical) scenario that putting thousands of homes at Paddock Wood could have negative effects. Instead the SA makes the giant leap with no evidence that 'betterments' will counterbalance any potential negative effects.

TWBC concludes (see paragraph 6.2.46 the following for the Paddock Wood options in terms of the environment: *"most of the environmental objectives score as mixed, negative or neutral with the exception of resources (to reflect insignificant or no requirement for demolition) and water (to reflect the flood betterment possible for Paddock Wood)"*

Given that TWBC's SA, and in turn its Local Plan, relies so heavily on assumptions of 'possible betterment for Paddock Wood' one naturally seeks the policy and evidence to support this important assumption. There are a few references to 'betterment' in the Local Plan however they are vague and lacking in justification. We include the only relevant mentions of 'betterment' in the Local Plan with our brief comments:

- *A key issue is therefore ensuring that the proposed growth strategy can be accommodated without further harm and risk to areas that are vulnerable to flooding, to provide betterment. (Paragraph 2.33) **This simply has not been demonstrated through the Local Plan or its evidence base and it refers to 'without further harm' and then adds states 'provide betterment' which provides no further explanation of what this means.***
- *The Local Plan Vision is clear; it is expected that future infrastructure to mitigate the impact of development, or in the case of the strategic sites at Paddock Wood to deliver betterment' in flooding terms to particular areas, should be largely funded by development to ensure that the development is acceptable in planning terms. (Paragraph 4.91) **The Local Plan Vision is not clear about delivering betterment at Paddock Wood. It says nothing of the sort. It includes as one of its 'local ambitions' that development at Paddock Wood will need to "ensure that it is not vulnerable to flooding".***
- *The Council recognises that, in certain instances, the provision of infrastructure, including that related to flood storage (both to mitigate the impact of new development and to provide 'betterment'), and new transport routes will negatively impact on land, residences, and businesses, which otherwise would not be directly affected by the Development Strategy of this Plan. This has been considered in the formation of the Development Strategy. (Paragraph 4.93) **It is unclear which instances this is in relation or how this has been considered in the formation of the Local Plan.***
- *The proposed extension provides an opportunity for betterment to the flooding and drainage issues which are present for residents of parts of Paddock Wood, and ecological and landscape enhancements as part of the exceptional circumstances case for the release of this Green Belt land.(Paragraph 5.186) **Providing an 'opportunity for betterment' is not a requirements and it not even set out in Local Plan policy.***
- *Any new development proposed in areas that are vulnerable to flood risk should 'build in' additional local capacity in terms of flood mitigation and provide 'betterment' where possible: see Policies STR/SS 1, The Strategy for Paddock Wood and east Capel and STR/SS 3, The Strategy for Tudeley Village, or the flood risk strategy proposed alongside development in this area. (Paragraph 6.278). **Providing 'betterment' appears to only be required 'where possible' and is not a requirement.***

We were heartened to hear the Inspector confirm at the end of the Day 2 hearings that the issue of Flood Risk will be a topic that is examined further in the Stage 2 Hearings (should the Examination progress to Stage 2). We consider that this will reveal further the unsound approach taken by TWBC in relation to planning for Paddock Wood including the critical issue of flood risk and wastewater infrastructure.

From our observations of the hearings, and as set out in our representations and hearing statement, it became very clear that the obvious course of action is for TWBC to withdraw the Local Plan and then work together with its neighbouring authorities (and local communities) through genuine cooperation to prepare sound joint evidence on key strategic matters including Green Belt, AONB, Flood Risk, Infrastructure, Climate Change, Sustainability Appraisal, Spatial Strategy and Site Selection. TWBC's current approach (and that of its neighbours) of 'inward looking' planning will, we are afraid, lead to decades of unsustainable development in the Borough and the wider sub-region.